

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

FILED  
CLERK'S OFFICE

ANTHONY BAYAD,

2005 MAR 23

Plaintiff ,

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

JOHN CHAMBERS, PATRICIA  
RUSSO, ANTHONY  
SAVASTANO and CARL  
WIESE,  
Defendants,

JURY TRIAL DEMANDED

**MEMORANDUM OF LAWS IN SUPPORT OF PLAINTIFF 'CROSS-MOTION  
FOR SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS  
SUMMARY JUDGMENT (AS PREMATURE)**

Plaintiff Bayad Pro Se herein argue as stated in the complaint ( Dkt.1); when an Employer as Defendants Cisco , at different times , gives different and arguable inconsistent explanations for terminating him , Jury may infer that articulated reasons are pretexts for race discrimination filed herein. Dominguez-Cruz v. Shuttle Caribbean, Inc. 202 F.3d 424, 431-32, ( 1st Cir.); (Defendant Inconsistent or Changing Explanations) . Prior the litigation the Defendants Cisco told Plaintiff Bayad that his employment was terminated as a result of the Economy factor the wall street lost and the Cisco shares dropped, then during the litigation and in, and, before this Honorable Court evidenced on the Record during the Pre-trial Hearing and digitally recorded before this Court presiding the Honorable Chief Magistrate Bowler, on February 7, 2005, Counselor for the record Bruce E. Falby for the Defendants Chambers et, al. argued and Stated That ( the proffered reason) Defendants is rational by terminated Bayad' employment with Cisco with two other none minorities (two white Persons), but he did not argue nor did he state anything of the cause was the economy,

Again we [C]onclude for the Fact Finder that Defendants for Cisco terminated Bayad with two other non-minorities ( white employees) with different skills, and again kept other non –minorities ( white employees) with similar job description and with the same job skill that Bayad have cross-trained them before being leg for no other reason and that sole reason is because of Bayad ‘ race, a Moroccan . Attached hereto are two [2] case law memorandum in similarity of Bayad case :

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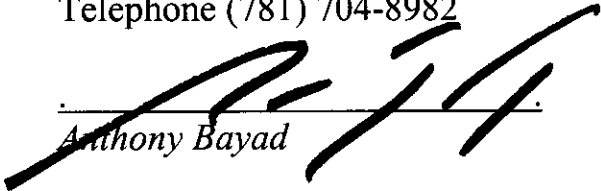


ANTHONY BAYAD

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that a true and correct copy of PLAINTIFF OPPOSE TO DEFENDANTS SUMMARY JUDGMENT (AS PREMATURE) WITH SUPPORT BY PREPONDERANCE EVIDENCE AND WITH MEMORANDUM OF LAWS AND WITH FEDERAL RULE OF EVIDENCE [404] AND CIVIL PROCEDURE [56 (F)] TO PERMIT FURTHER DISCOVERY BY THE OPPOSING PARTY, DEFENDANTS CHAMBER ET, AL. was furnished via U.S. mail to : Bruce E. Falby BBO #544143, PIPER RUDNICK GRAY CARY LLP , One International Place, Boston MA 02110, this 9 day of March, 2005.

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Anthony Bayad